

**COMMONWEALTH OF VIRGINIA  
BOARD OF CORRECTIONS  
LIAISON COMMITTEE**

Regular Meeting..... May 20, 2003  
Location .....6900 Atmore Drive; Richmond, Virginia  
Presiding .....Roy Cherry, Superintendent, Hampton Roads Regional Jail  
Present .....Clay Hester, Board of Corrections  
Robert W. Mitchell, Board of Corrections  
Sterling C. Proffitt, Vice Chairman, Board of Corrections  
James W. Matthews, Compensation Board  
John Isom, Superintendent, Albemarle/Charlottesville Regional Jail  
Sheriff Thomas Jones, Charlotte County  
Lt. Bill Gentry, Southampton County Jail  
Chris Webb, Superintendent, Blue Ridge Regional Jail  
Michael Howerton, Chief of Operations, DOC  
Gary Bass, Chief of Operations, DOC  
Jim Sisk, Manager Inmate Intake  
Sheriff Stuart Kitchen, Jr., Sussex County  
Kim Lipp, Architecture & Engineering, DOC  
Judge W. P. Lemmond, Jr. (Retired)  
Frederick D. Hildebrand, Administrator, Clarke/Frederick/Fauquier/Winchester Regional Jail  
Arnold Reynolds, Peumansend Creek Regional Jail  
Pat J. Waskey, Liaison Committee Secretary  
Absent .....John W. Marshall, Secretary of Public Safety  
Linda Curtis, Commonwealth Attorney, Hampton  
William Lane, Circuit Court Clerk  
Sheriff Michael L. Wade, Henrico County  
Bert Jones, Architecture & Engineering, DOC  
Sheriff Vernie Francis, Southampton County Jail  
Wayne M. Cosby, Circuit Court Clerk, Southampton County  
Sheriff George McMillan, Roanoke City Jail  
Dr. Jeffrey Trimble, Board of Corrections  
Sheriff Ronald Crockett, Lancaster County Jail  
Sandra M. Thacker, Superintendent, Peumansend Creek Regional Jail  
Sheriff Donald Hunter, Prince George County  
Sheriff Samuel Shands, Dinwiddie County  
Alan Katz, Assistant Attorney General  
Ralph Dobbins, Superintendent, New River Valley Regional Jail  
Gene Johnson, Deputy Director, DOC  
John Jabe, Deputy Director, DOC  
Jim Camache, Assistant Director, DOC  
Sheriff Ronald T. Knight, Spotsylvania County  
Sheriff Charles E. Jett, Stafford County  
Helen Fahey, Chairman, Virginia Parole Board  
John Jones, Virginia Sheriff's Association

**10:00 a.m. Tuesday, May 20, 2003**

Board Room, 6900 Atmore Drive, Richmond, Virginia Department of Corrections

**Committee Chairman (Roy Cherry)**

**I. Approval Minutes**

Minutes from the last meeting (March 18, 2003) were motioned for approval, seconded and passed.

**II. Mr. Bert Jones (Kim Lipp)**

Mr. Jones was absent and Ms. Kim Lipp, Capital Planning and Financial Director presented an aerial photo of St. Bride's construction progress. The latest photo of St. Bride's construction was taken on April 2003. The housing and VCE Vocational building is under construction with the roofing done by the DOC inmate construction unit and the site work digging of the ponds. A new construction date on the project, at the site the project has experienced over 60 inches of rainfall since November 2002. The completion date is moved with change order to June 2004 due to weather.

**III. Mr. Howerton**

**1. Prisoner Population Report**

Mr. Howerton presented the Population Report to the Committee. See attached copy.

**2. Status of Jail Construction Projects**

Mr. Howerton presented updates to jail construction projects. See attached copy.

**3. Jail Contract Bed Program**

Mr. Howerton presented Jail Contract Bed Work Release Program population figures. See attached copy.

Chris Webb stated he thought a superintendent for Middle River Regional Jail had been hired. Mr. John H. Craig III is the Jail Administrator for the Augusta County Jail.

Southwest Virginia Regional Jail has hired Mr. Lee Noble as Superintendent.

Mr. Cherry asked if Botetourt and Craig were the only counties in that regional jail configuration.

Mr. Howerton stated only two counties and they qualified as regional jail because the language in the Code allows only two localities regional jails if they operated cooperatively before 1982 and which they did. We have other localities such as Alleghany/Covington; Greenville and Emporia jails that have participated in holding prisoners before 1982.

Mr. Hester asked if the Northampton/Accomack Regional Jail was going to happen.

Mr. Howerton expressed there was serious questions about this project. As the proposal stands now it is not strong. Participation by Accomack is questionable. Their participation I believe includes a proposal for five beds in the jail but no indication of any funding on behalf of Accomack. We would like to see a little bit more cooperation demonstrated. Those are some of the comments sent back on the C-BCP. It will come before the Board to determine in fact if it is a regional jail; at this point, we are looking for satisfaction of compliance with Board standards. The Board and committee will hear a briefing on Northampton Jail proposal this afternoon. There are some weaknesses in this plan.

Mr. Cherry, Mr. Proffitt and the Liaison Committee expressed congratulations to Mike Howerton on his forthcoming retirement on August 1, 2003, wishing luck, and good fortune to you. Mr. Cherry also expressed his appreciation to Mike for his services to the Committee, to regional and county jails and recommended a resolution for his services.

Mr. Webb presented his congratulations, recommends to the Committee to have the Local Facilities Unit expressed to agencies how strong this unit is to committee and jails, and hope to continue to keep this unit.

Mr. Matthews stated we could not have built the working relationship between jails without this unit and assistances from the unit to Compensation Board and all the regional jails we work with.

Mike thanked everyone, expressed the value of the Liaison Committee, and enjoyed working with the committee.

#### **IV. Other Business**

- 1. Budget Updates (James Matthews)**
- 2. Court Orders (Gary Bass)**
- 3. Good Time Earn (Jim Sisk/Gary Bass)**
- 4. Sexual Predatory Law (Gary Bass)**

## **Budget Updates (James Matthews)**

### **1. Budget Updates**

Mr. Matthews stated the budget was sent out May 1 and cuts may not have been as bad as expected. Cuts to per diems were few percent less than we anticipated. The fourth quarter current physical year end up cutting about 48% per quarter per diem.

Next physical year projected fourth quarter cuts is 75%. In addition, all vehicle expenses for sheriff/regional jail and annual leave, reimbursement have been cut from all constitutional offices and jails. The feedback we have gotten from budget on May 1 was not nearly as negative as we thought it would be.

Next biennial and anything beyond that the struggles will be when times get better to restore and fight just as tough and hard to restore the cuts as they were to reduce and minimize cuts that have taken place. Everyone in the state/local government has budget cuts and everyone is fighting the budget to have piece of the pie. We are in for a long haul. Working together, we could be successful.

Mr. Matthews expressed that the reaction has been ok and we get it second hand. Resolutions are floating back and forth from several months ago; the localities were not going to absorb any of the cuts that were made on constitutional offices. Biggest thing cut is \$1.4 million out of Treasurer, Commissioner of Revenue, Commonwealth Attorney, Sheriffs, and Regional Jails, for reimburse of annual leave, retirement, resignations and terminations. We have set aside \$1.4 million to pay their annual leave off and that was part of the budget cuts. The law calls for them to be paid for leave by locality or regional jail authority. We have heard more screaming from budget cuts than any other area. More calls from County Administrator, city manager, delegates and senators, and individuals regarding these cut.

### **2. Clerk Court – Court Orders (Gary Bass)**

From our last meeting pending role changes in circuit clerks having to pay a penalty if they do not send in court orders within 30 days following sentencing. General Assembly did not approve. Particularly because of lost revenue. As it stands the law requires circuit clerks to have to send court orders to the Department of Correction within 30 days. Jim Sisk indicated that he had been looking at the court orders, and it seemed they were getting better at sending receiving them in on time. There is no way to monitor it, but they are getting better with a few exceptions.

Mr. Bass stated the rule Department of Corrections is using is when a judge signs it this is the date that signals the beginning of the process.

Jim Sisk explained clerks went to judges and said we have a problem and problem has gotten better with communication between clerks and judges.

## **2. Sexual Predator Law (Gary Bass)**

Sexual predator law has gone into effect and inmates who are convicted of four different sexual offenses can be eligible for civil commitment after they serve their sentence. Law requires DOC to maintain a list of these inmates, identify them, set up procedures to have them screened, create a civil commitment review committee which is made-up of three Department of Corrections members, three Mental Health members, and one from Attorney General office that screens these cases. The committee determines either they meet the criteria or not. We have three options:

1. Do not meet
2. Do not meet but some special conditions release specified problem
3. Committed to the Southside Train Center- Sexual Predator Facility

Department of Corrections is in the process of building a state of the art fencing system around the two buildings and renovation of the building to accommodate this program. This facility is to be used exclusively for three years for this purpose. Two buildings are under renovation at initial site. Civil commitment is to the Department of Mental Health until approved for release.

For jails concerns, I do not see any impact. We keep them in DOC, DOC transports to Commitment meeting and transports to the facility. They will not go back to the jails. The facility will maintain most of these guys are pedophiles type, as you know very easy to manage. There is not a lot of management problems from these guys. They do not assault inmates or staff. Good percentage of these guys are predators not so much as sexual but just predators who like to hurt people mingling in with these other folks. We have funding to run both buildings to bring in, states of art, coax, double fencing are some things we have at our maximum prison. Other states have operated this type in excess of ten years so the Department of Mental Health have been in contact with them, I have seen some reports and am aware of some of the problems they have.

Mr. Hester asked a question concerning when they would be ready for release.

Mr. Bass assured that the law states that the Department of Mental Health decides to make recommendation to Attorney General office who in turn makes recommendations to sentencing judge before they can be released.

Also, DOC recommends if he had a good home plan and good out-patient plan, he might be suitable for conditions of release however, sometime they may not be able to come up with this plan. Sometime if they get them in for six months period they do well with therapy, they find good out-placement. The law is written such that we are to look at the least restrictive option first. The least restrictive is the most cost effect for Commonwealth. This is because the individual would be monitored on an outpatient basis.

Mr. Hester asked which category would apply.

Mr. Bass stated the four categories as:

- 1) Rape
- 2) Pentatration/Pentatration with object
- 3) Sexual battery/assault
- 4) Sodomy

We have recommended these to the Secretary and Attorney General office.

Jim Sisk explained after July 1 in order to received judicial earn good time the individual must have a signed court order from the judge authorizing the award of good time credit. When the inmate went into jail, based on the judges' orders, until such amount of money (child support, restitution and fines) is paid, there would be no definite date and no go. Our suggestion to jails according to information from the Attorney General office is that there would not be no good time earned on date set. Judges order said that he has the key (i.e. pay legal obligations).

Lately within couple of months, justice services some information that these cases could earn good time no reason why they could not earn good time. Some information coming out since this has happen I checked with the Attorney General office, Mark Davis, who gave me personal information. Basically we don't assign good time at jail but the judge put something in the court order there they are going to stay till they pay money, there is no date assign good to.

Jim Sisk will be glad to talk to any sheriff's about this.

Mr. Cherry stated the Crime Commission staff advised sheriff/superintendent you cannot allow the 50% good time.

Mr. Sisk stated I understand but some of the information was going out verbal to Virginia Beach.

Mr. Matthews noted Kim Hamilton, Acting Director of Crime Commission who has an attorney on staff who spoke at Sheriff's Spring Conference in Roanoke in April 2003 and was on the agenda at Superintendent Conference in Portsmouth. This is not what the Code says.

Mr. Sisk stated it is between sheriffs and the judge. The department is not going to tell you how to do it but judge orders to pay. If anyone asks DOC we are staying with the advice from Attorney General Office, Mark Davis.

Crime Commission stress policy and procedures are in place showing treatment is the same for everyone. It is up to if the sheriff to give good time or not.

Mr. Matthews stated it comes from change in law.

Mr. Sisk expressed where they did away with blanket court orders for doing judicial good time. What ever your policy is in writing you follow it consistently and hopefully all policy are consistent. That is the benefit of this.

Mr. Hester stated the judge does not have to follow your policy and procedures.

Mr. Cherry stated, so written guidance from DOC is that our advice, based on the Attorney Generals opinion, is that 50% good time does not apply while oral advice from Crime Commission that is purely up to local or sheriff superintendent's decision really leaves us with a difficult situation. Particularly where I have inmates from four sheriffs jails it would mean some of the inmates in the regional jail would be serving full time and some half time, based on which city they came from which would be an inconsistent practice. It may not be in some jurisdictions but it still seems unfortunate that we have advice from two different points within the state given.

Mr. Matthews recommended we invite Kim Hamilton, Acting Crime Commission Director, to the Liaison meeting to make a brief presentation.

Sheriff Stuart Kitchen is going to look at it and request a formal opinion from the Attorney Generals office.

Sheriff Jones stated he was asking his judge to put in the court order not to receive any good time.

Mr. Sisk stated Commonwealth Attorney office is doing that also.



It is not a blanket order but in individual orders. That would take the entire question out of it.

It is suggestion of committee to invite the Crime Commission to the next Liaison meeting. Sheriff Stuart Kitchen will write for opinion from Attorney General office.

Plan on reporting from Jim Sisk procedures on this and get back before next meeting.

Mr. Proffitt expressed the success of everyone being at the officer's dedication week and how appreciative he was for everyone's participation.

Mr. Cherry stated committee continues to be outstanding opportunity for local official to have Liaison with Board of Corrections, DOC, and we have not always had three board members attend these meeting. It wants to extend appreciation to Mr. Proffitt, Mr. Mitchell, and Mr. Hester allowing us to meet with you.

Mr. Hester stated how important this committee was to the Board of Corrections and asked to be on the committee and attend because we are familiar with the committee and hold it in high regards.

Mr. Mitchell asked the chairman to adjourn and let us stand to give Mr. Mike Howerton a standing ovation for his services to Board of Correction and Liaison Committee.

**V. Future Meeting**

The next meeting will be July 15, 2003 unless otherwise notified.

**VI. Adjournment**

By *Motion* duly made by Chairman Roy Cherry and seconded by several members present, the meeting adjourned.



*Attachment*  
**LIAISON COMMITTEE POPULATION REPORT**

May 20, 2003

<b><i>DOC Prisoner Population:</i></b>		<b>As of</b>	<b>Total</b>	
Prison Population		5/16/03	30,821	(Contract Prisoners 1,081)
Capacity		5/16/03	30,931	
Felons Received		5/16/03	2,673	Av. 141 Weekly
Felons Released (GTRD)		5/16/03	1,600	Av. 84 Weekly
Felons Paroled		5/16/03	563	Av. 30 Weekly
Total Released		5/16/03	2,163	Av. 114 Weekly
<b><i>Local Jail Population:</i></b>				
Jail Population		4/15/03	23,557	(1,488 Federal Prisoners)
Capacity		5/01/03	16,919	
Pop. In Excess of Operational Capacity		4/15/03	6,638	
Felons with More Than 2 Years to Serve		4/15/03	0	Committed before 1/1/95
Felons with More Than 1 Year to Serve		4/15/03	3,923	Committed on or after 1/1/95
Felons Available for Pickup:		5/09/03	3,572	
Felons Out of Compliance		5/07/03	1,905	
Felons Released (GTRD)		5/16/03	732	Av. 39 Weekly
Felons Paroled		5/16/03	430	Av. 23 Weekly
Total Released		5/16/03	1,152	Av. 61 Weekly

**Jail Construction/Expansion:** See Attached Listing of Jail Projects.

**Contract Beds:** See Attached Jail Contract Bed Program Report.

**Status of Jail Construction Projects  
Planned or Under Construction**

**Board Approved Projects for 1996 General Assembly Funding**

1. Middle River (Augusta-Staunton-Waynesboro) Regional Jail

9/95 Board approved reimbursement of \$4,023,784 (50% of \$8,047,568) for regional jail project of 100 beds sited in Verona. Project halted due to reduced population. C-BCP and Planning Study updated and project revised. Localities forming authority and project redesign to single facility. Architect to study single construction site and provide cost estimate. Planning Study and revised C-BCP submitted 11/00.

Amended C-BCP approved at 2/01 Board meeting justifies construction of new 396-bed jail to replace current Augusta County Jail. Middle River Regional Jail Authority created 7/01. BOC approved 396-bed jail at project cost of \$39,309,103 with 50% state reimbursement of \$19,654,551 on 10/17/01. Design development was to begin 3/02 but delayed for study of possible use of Staunton Correctional Center. Localities voted not to pursue Staunton Correctional Center as jail option and design contracts signed 8/02 on new jail. Construction to begin Fall 03 with estimated completion 10/05. Phase II and final VE study completed 2/03.

**Moratorium Exempted Projects Pending Board Approval 1996-2001**

1. Loudoun County Jail

1998 Appropriations Act included language to exempt Loudoun plans for new jail construction from moratorium. C-BCP unofficially reviewed in 1997 per Act language and required revisions were sent locality 5/20/97. Plan revised and resubmitted 10/9/98. C-BCP revisions comments sent locality 12/10/98. Revised C-BCP submitted 9/99 requires revision with comments to locality 11/5/99. Planning Study submitted 11/2/98 calls for 220 beds with state reimbursement on 110 beds.

Planning study estimates indicate project cost of over \$16,000,000 to be completed mid-2001. Budget amendment before 2000 General Assembly would authorize additional bed construction. Revised C-BCP submitted 6/00 and reviewed for Standards compliance in 7/00. Plan is in compliance with Board Standards and recommends the need for construction of 196-bed jail. C-BCP approved 10/00. Planning Study approved by 7/01 Board for project costs of \$19,177,896 and state reimbursement of 25% at \$4,794,474. Construction contract to be awarded 6/03 with estimated project completion 12/05.

2. Northampton County Jail

C-BCP submitted 11/00 on new jail under exemption language for bed for bed replacement construction. Plan reviewed and revision required with comments sent locality. C-BCP under revision and Accomac County involved in regional jail discussions. Revised C-BCP received 10/28/02. Review of C-BCP indicates further revision to comply with Board Standards necessary. Review comments sent locality 2/03.

3. Virginia Beach City Jail

Moratorium exemption provided in 2000 Appropriations Act. City planning 500-bed addition. C-BCP and Planning Study submitted 3/01. C-BCP revision comments to locality 5/1/01. Value Engineering study completed 5/01. Results of C-BCP and Planning Study review and request for state funding to be presented at 12/01 Board meeting. Reimbursement amount of \$11,302,695 (25%) approved on project costs of \$45,210,779 for 312-bed addition and renovations. Project contractor selected. First floor slab poured 5/03. Project completion 10/04.

4. Southwest Virginia Regional Jail (Buchanan, Dickenson, Lee, Scott, Wise, Smyth and Washington Counties, City of Norton)

Moratorium exemption provided by 2000 General Assembly. C-BCP submitted 12/29/00 underwent review and required revision. Comments to locality 1/29/01. C-BCP revised and resubmitted 3/01. Board approved C-BCP 4/01 with Planning Study approved 8/01. Estimated project costs approved at \$74,446,751 with 50% state reimbursement of \$37,223,376 for 780 beds, 3-facility jail system sited in Haysi, Duffield, and Abingdon areas.

Construction site work began 9/02. Bid package to be ready 5/03 with estimated project completion date of 3/05. Lee Noble hired as Superintendent and groundbreaking scheduled for 5/22/03.

5. Chesterfield County Jail

County submitted C-BCP on jail replacement under moratorium exemption language regarding inability to comply with Board Standards and bed for bed capacity replacement. Planning Study submitted 3/1/01. Revision comments on C-BCP sent locality 3/8/01. Meeting on design issues 5/01. C-BCP and Planning Study approved by 10/01 Board for construction of new 154-bed jail at current site. Project costs approved at \$24,006,703 with 25% state reimbursement of \$6,001,676. Design development begun 9/02. Bids to be let 2/03 with construction beginning 5/03 and project completed 6/05.

6. Botetourt and Craig County Regional Jail

Counties exempted from moratorium via 2002 Appropriations Act and will submit 3/03 requests for 50% state construction reimbursement as a regional jail project. Counties indicate that they have operated as a regional jail prior to June 30, 1982 as required by Code section 53.1-82. Board approved localities request for regional jail status at 7/02 meeting based upon request documentation. C-BCP received 10/02 with revision comments sent to locality 3/03.

7. Prince William-Manassas Adult Detention Center

Localities exempted from state funding moratorium in 2001 based upon a signed A&E contract prior to 3/1/96. Project previously approved by Board in 1994 but rescinded due to disagreement between localities. Board indicated that project need was justified and it could be approved if both localities reached a mutual agreement. C-BCP has been submitted and reviewed for compliance with Board Standards. Revision comments forwarded to locality 10/02.

The locality will submit a standards modification request for approval of 50 bed pods versus 48 bed pods as allowed in current Board Standards.

**JCB WORK RELEASE –May 5 – May 9, 2003**

<b><i>PARTICIPATING JAIL</i></b>	<b><i>JCBWR BEDS CONTRACTED</i></b>	<b><i>JCBWR BEDS FILLED</i></b>
1 Albemarle-Charlottesville Regional	20	6
2 Arlington County Detention Center	5	0
3 BRRJ - Campbell	2	0
4 BRRJ - Halifax	3	0
5 BRRJ - Lynchburg	38	18
6 BRRJ - Moneta	32	5
7 Central Virginia Regional Jail	8	2
8 Charlotte County Jail	30	24
9 Chesapeake City Jail	20	7
10 Clark-Frederick-Winchester Reg. Jail	12	4
11 Danville City Jail Farm	50	0
12 Fairfax County Pre-Release	20	9
13 Franklin County Jail	4	0
14 Hampton Correctional Facility	60	21
15 Loudoun County Jail	14	11
16 Middle Peninsula Regional Jail	50	18
17 New River Valley Regional Jail	50	0
18 Norfolk City Jail	35	1
19 Northern Neck Regional Jail	12	0
20 Pamunkey Regional Jail	1	2
21 Piedmont Regional Jail	20	2
22 Portsmouth City Jail	15	5
23 Prince William Adult Detention Ctr.	15	5
24 Rappahannock Regional Jail	30	3
25 Riverside Regional Jail	60	2
26 Rockbridge Regional Jail	15	5
27 Scott County Jail	4	0
28 Southampton County Jail Farm	25	6
29 Southside Regional	47	12
30 Virginia Peninsula Regional Jail	50	1
31 Warren County Jail	10	9
32 Western Tidewater Regional Jail	50	12
33 Wise County Jail	15	0
	<b>822</b>	<b>190</b>

Pending transfer to W.R. 7